(4)

CHHOK

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 192 OF 2004

PETITIONER

Ajit Ram Sahu, S/o Dwarika Prasad Sahu, aged about 39 Years, Occupation – Service, Presently posted Panchayat Karmi, Gram Panchayat Khapri[within jurisdiction of Janpad Panchayat Dondi Lohara, Tahsil Dondi Lohara District Durg [Chhattisgarh]

V E R S U S

RESPONDENTS

1. State of Chhattisgarh thru' Secretary, Department of Panchayat & Rural Development, Mantralaya, Dau Kalyan Singh Bhawan, Raipur [Chhattisgarh]

2. Collector, District Durg [Chhattisgarh]

3. Gram Panchayat, Khapri Khapri, Block Dondi Lohara, Tahsil Dondi Lohara, Distt. Durg [Chhattisgarh] Through its Secretary.

P. R. No. 1997/04
Presented by Shri M.S. Rajput
dated 13/01/04

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R. S

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

The petitioner above-named most respectfully submits as under:

1. **PARTICULARS OF THE PETITIONER:**

As mentioned in the Cause Title above.

2. **PARTICULARS OF THE RESPONDENTS:**

As mentioned in the Cause Title above.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(105)

मामला क्रमांक W.P.No.192 सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.9.2006

Shri Ashish Shrivastava, counsel for the petitioner.

Shri Arun Sao, Govt. Advocate, for the State/ respondents no. 1 & 2.

Shri Vimlesh Bajpai, counsel for respondent no.3.

Arguments heard.

Order dictated as follows:

ORDER

This petition is directed against the order dated 06.11.2003 (Annexure P-19) passed by the Secretary, Panchayat and Rural Development Department, Raipur (C.G) in Revision No.24-A/89/2002-2003.

Learned counsel for the petitioner submits that on an illegal resolution of removal, a proceeding was filed before the Collector and the Collector ultimately passed his order dated 22.12.2001 (Annexure P-5) against which an appeal was preferred before the Commissioner, Raipur Division, Raipur, vide appeal Case No.105/B/121/2001-2002 in which an order dated 30.4.2002 was passed and the matter was remanded to the Collector. Thereafter, the Collector again passed an order dated 22.7.2002 (Annexure P-8), by which, it was directed that the matter of removal of this petitioner from the post of Panchayat Karmi be placed before the Gram Sabha. Against the said order passed by the Collector, the petitioner filed an appeal before the Commissioner vide Appeal Case No.221/B/121/2001-2002. Along with the Appeal, he also filed an application for grant of interim

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(106)

आदेश पत्रक

मामला क्रमांक W.P. No. 192 **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

stay. By an order dated 12.8.2002 Annexure P-11, though the Commissioner admitted the appeal for final hearing but the application for interim order of stay was dismissed. Against the said order, a revision was preferred before the State, in which the impugned order was passed on 06.11.2003 (Annexure P-19) and the said revision was dismissed.

Learned counsel submits that the original proceeding of the petitioner which was filed in form of an appeal before the Commissioner vide Case No.221/B/121/2001-02 was pending and in the meanwhile, the post of Commissioner was abolished and now the matter has to be decided by the Director, Panchayat. His submission is that till the matter is decided by Director, Panchayat, the interim protective order sought by the petitioner in the said pending appeal be granted in his favour by setting aside the impugned order dated 6.11.2003 (Annexure P-19).

After hearing learned counsel for the petitioner and also learned counsel for the State, I am not inclined to allow this petition so as to grant an interim relief in favour of the petitioner to operate it during the pendency of the appeal filed by him before the Commissioner. Rather I deem it proper to direct the appellate authority, to make efforts to decide the appeal filed by the petitioner at the earliest.

This petition is disposed of at this stage with an observation that Appeal No.221/B/121/2001-02 originally filed before the Commissioner, Raipur Division, Raipur and said to have been transferred to the Director, Panchayat, shall be traced out there

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(107)

आदेश पत्रक

मामला क्रमांक W.P. No. 192 सन् 2006

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
/Rao/	and if the same has not been disposed of so far, as stated by learned counsel for the petitioner, it shall be disposed of as early possible preferably within 3 months from the date of tracing out the said file before the appellate authority. The petitioner shall be under an obligation to file a petition before the said authority along-with the certified copy of this order for taking steps to search out the file and to dispose of the same, as directed above. C.c as per rules. **Sd/-** **Sunil Kumar Sinha** **Judge**	

(पीछे देखिये)

28.9.06 7.10.06